

STIPULATIONS

EA Log No. UT-067-94-16

Lease or  
Serial No. UTU-69862

Project Last Chance Mine/Plan of Operations

Applicant Western Clay Company

Project T.25S., R.6E.,  
Location Sections 7 & 8, SLM

508 East Center  
Address Aurora, Utah 84620

County Emery, Utah

BLM Office San Rafael Resource Area

Phone No. 801-637-4584

Exhibit 1

The following stipulations have been developed to mitigate adverse environmental impacts which may result from the action permitted by the accompanying decision. The action permitted and its anticipated impacts are fully described in the environmental assessment or categorical exclusion referenced above.

1. If any cultural or paleontological resources are discovered during the course of operations, work shall cease at the site and the San Rafael Resource Area Office shall be notified. Personnel shall be warned that they will be subject to prosecution for picking up artifacts.
2. The boundary of the proposed disturbed area shall be marked and the markers shall be maintained for the life of the mine. Upon final reclamation all markers shall be removed.
3. An approved mitigation plan for Pediocactus winkleri shall be accepted by the U. S. Fish and Wildlife Service prior to any disturbance of the aforementioned species. The mitigation plan must be in place and in force prior to any surface disturbance in excess of 5 acres.
4. Any disturbance in excess of 10.2 acres or outside the authorized area shall require a plan amendment prior to the disturbance.
5. Western Clay shall comply with all Federal, state, and local regulations and conditions.
6. If the site is inactive for two consecutive years and no use is scheduled, reclamation procedures shall be initiated.

## Introduction

### Need for the Proposed Action

Western Clay Company has submitted a plan of operations for a surface bentonite mine. The plan was submitted pursuant to 43 CFR 3809.1-4(a) (October, 1994 edition) for operations which exceed five acres of disturbance.

### Conformance with Land Use Plan

The San Rafael Resource Management Plan was approved on May 24, 1991. The stated objective on page 19 of the Mining Law Administration section is "to make public lands available for claim location and development, so long as the scenic values, relict vegetation, and cultural or historic values identified in the RMP goals are protected..." The proposed action is in conformance with all Federal, state and local land use plans. The subject land is within and managed by the San Rafael Resource Area, Bureau of Land Management.

### Relationship to Statutes, Regulations or Other Plans

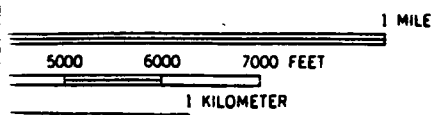
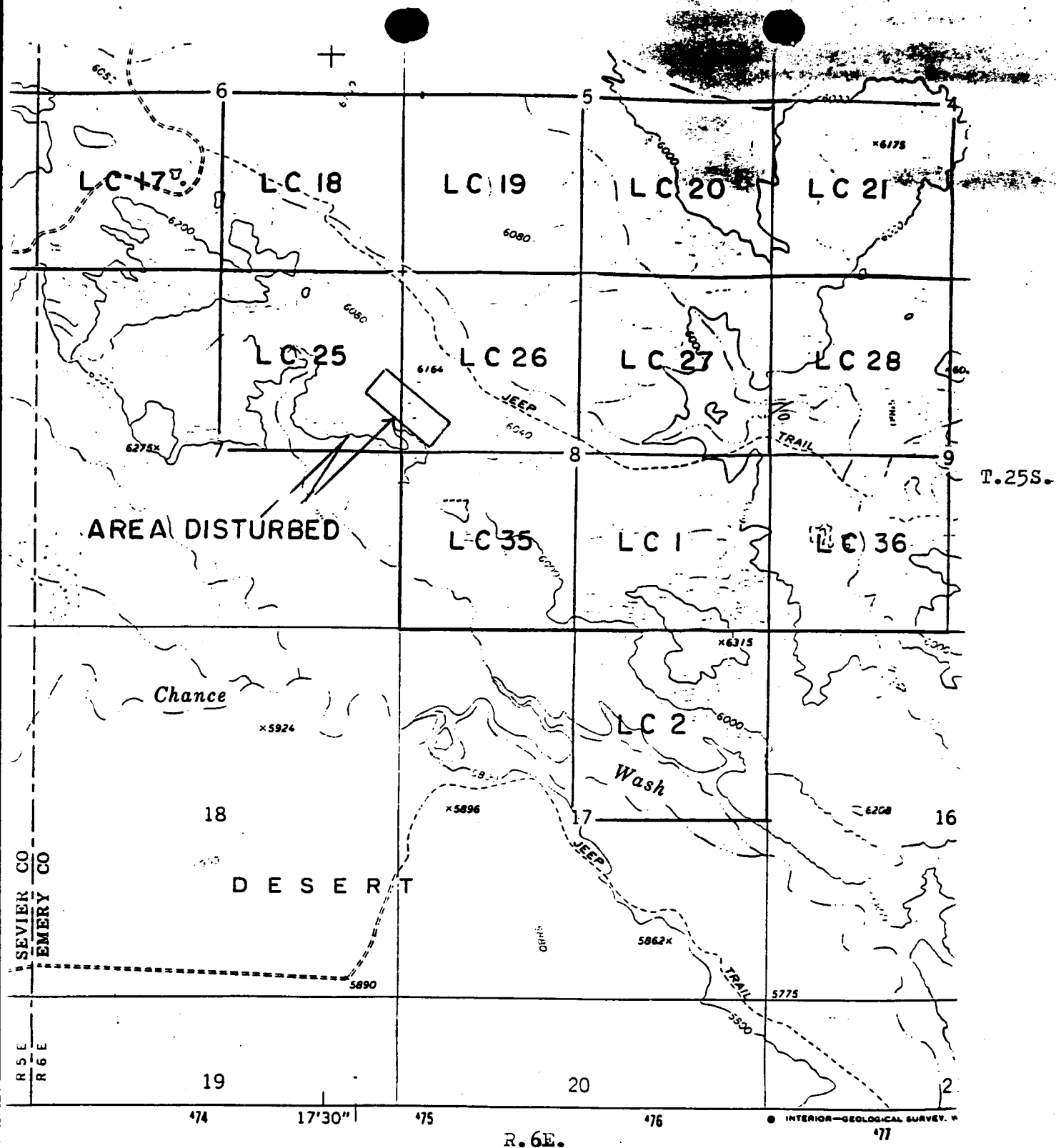
Emery County has the area zoned as open to mining. Regulations governing plans of operation are included in 43 Code of Federal Regulation 3809. This action is authorized under the General Mining Law of 1872, as amended, (30 U.S.C. 22 et seq.) Sections 2319 (30 U.S.C. 22) and 2478 (43 U.S.C. 1201) of the Revised Statutes, and the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1701 et seq.).

### Proposed Action and Alternatives

#### Proposed Action

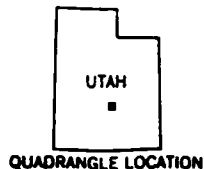
The proposed action would be to approve a plan of operations submitted by Western Clay Company pursuant to 43 Code of Federal Regulations 3809.1-4 (October 1, 1993). The proposed operation includes a surface mine and a short access road branching off a county road. The operation is located on the Last Chance Nos. 25 and 26 (UMC 347272 and 347273) mining claims, which were located on August 2, 1991, by Stan Jackson and Associates who currently include: Stanley Jackson, Audrey Jackson, Garin Madsen, Jeff McClellan, Fred Mortensen, and Neal Mortensen. Standard stipulations would be applied. A reclamation plan was submitted, as were measures to save topsoil, control erosion and salinity loss and promote safety (see Plan of Operations, Appendix A. The proposed operation is located in T. 25 S., R. 6 E., Section 7, NE $\frac{1}{4}$ , Section 8, NW $\frac{1}{4}$ , SLM in Emery County, Utah (see Figure 1).

Western Clay Company is currently operating a surface mine for bentonite under a notice, UTU-69862, which is less than 5 acres in extent. Current disturbance is approximately 3.5 acres. Exploration for bentonite was conducted in 1992, which was reclaimed and released.



FEET  
CONTOURS

CURACY STANDARDS



QUADRANGLE LOCATION

Figure 1

ROAD CLASS

Unimproved road, fair or (

WILLOW



Western Clay Company proposes to mine a 10.2 acre area for bentonite over a 10- to 15-year period as outlined in their plan of operations (see Appendix A). The bentonite would be mined at a rate of 15,000 tons per year and disturbance would be .5 - .7 acre per year. The mine would be divided into 3 areas---A (3.8 acres), B (2.7 acres), and C (3.3 acres). Area A would be reclaimed in 3 - 5 years except for the road to Area B. Area B would be reclaimed in 6 - 10 years except for the access to area C. Area C and the access through the old pit plus the access road from the county road (.4 acre) would be reclaimed in 10 - 15 years. The plan of operations map indicates a permit area in excess of 10.2 acres; this environment assessment only addresses the disturbance on the 10.2 acres. Any expansion of the mine outside of this area will require a plan amendment and will be addressed when and if such an amendment is submitted.

For analysis purposes, it is assumed that successful reclamation will not take more than five years after a disturbed area is recontoured and reseeded. Reclamation should be complete in Area A by 2005; Area B, 2010; and Area C, 2015. A reclamation bond would be required. Western Clay Company has proposed a reclamation bond of approximately \$40,000.00.

All Federal, state and local air quality, water quality, and solid waste laws and regulations would be complied with during the course of operation of the mine.

#### No Action Alternative

The result of this action would be to disapprove of the plan of operations. Since Western Clay Company is already operating under a notice, they would not be allowed to disturb more than 5 acres at any one time. Disturbance beyond 5 acres total would not be allowed under this alternative. There would be no reclamation bond.

#### Affected Environment

##### General Setting

The subject land is located on the southwestern flank of the San Rafael Swell, a breached, doubly plunging anticline. The Limestone Cliffs are located to the west, while the operation is situated in the Last Chance Desert.

The subject land is public land and is open to location. Master Title plats disclose that both the surface and mineral estates are owned by the Federal Government and managed by the Bureau of Land Management. The subject land is managed by and contained with the San Rafael Resource Area, except for the range and wildlife programs which are managed by the Sevier River Resource Area.

### Affected Resources

The following mandatory items have been considered for this environmental assessment and will not be impacted: threatened or endangered animals, areas of critical environmental concern, cultural or historical resources, floodplains and wetlands, wilderness values, visual resource management (Class IV), water resources, paleontological resources, prime or unique farmlands, wild and scenic rivers, Native American religious concerns, and hazardous/solid wastes.

There is no live water on the subject land. The nearest perennial streams is Ivie Creek, eight miles to the north. The Brushy Basin Member of the Morrison Formation outcrops on the southern portion of the tract and is devoid of any vegetation. This area is a critical soil with a high alkaline content, which has high erosion rates when disturbed. The northern half of the subject land contains the Cedar Mountain Formation which is sparsely vegetated with Indian ricegrass, shadscale, Galleta grass, Castle Valley clover, and Broom snakeweed. The proposed endangered plant species, Pediocactus winkleri, is known to occur on the area of operations. Another candidate species, Gilia tenuis may occur in the area. Western Clay Company proposes to remove the Pediocactus winkleri plants affected by the mining operation and store them until reclamation is done. Section 7 consultation with the U. S. Fish and Wildlife Service has been initiated regarding the two plant species.

Air quality in the area is good, although it can be dusty when there are strong winds. The mining operation is in an area included in H.R. 1500. The mine is operating on a hill, which is approximately 40 feet high. The nearest town is Emery, which is located 19 miles to the north. It is approximately 11 miles from the mine site to Interstate 70 on county maintained dirt roads.

### Environmental Impacts

#### Impacts of the Proposed Action

The surface of the land will be reduced by 25 - 40 feet. The final slope will be less than 1:3 slope which will reduce erosion from the critical soils of the Morrison Formation. This will also decrease the amount of alkalinity in the surface runoff. The operation will increase the particulate concentration in the air when the bentonite is being mined, but the effect of the dust is expected to be confined to the local area. Conditions required of Western Clay Company by the state of Utah and Department of Environmental Quality concerning mining and transportation should keep particulate standards within prescribed standards, as will the curtailment of operations when it is windy (see Appendix A).



Vegetation on approximately 5 acres would be destroyed over the 10- to 15-year life of the mine. Two men would be intermittently employed at the mine. Two to four truck drivers would be contracted to haul bentonite from the mine to the plant in Aurora. An estimated 200,000 tons of high quality bentonite would be removed over the life of the mine. The proposed action would affect 35 to 65 plants of Pediocactus winkleri.

#### Impacts of the No Action Alternative

No more than 5 acres of vegetation would be lost at one time under this alternative. The impacts would be similar to those of the proposed action, but would be proportionately less due to the 5-acre limitation and would be spread over a longer time period, probably more than 20 years rather than 10 - 15 years.

#### Mitigating Measures

→ The U.S. Fish and Wildlife Service will have to approve the plan for the removal of the Pediocactus winkleri prior to any expansion beyond the 5 acres.

#### Residual Impacts

There would be no residual impacts once reclamation procedures were initiated. The mining of the bentonite would result in an irretrievable commitment of resources for the 200,000 tons of bentonite mined.

#### Consultation and Coordination

Tony Gallegos, Utah Division of Oil, Gas and Mining, was consulted regarding the plan of operations.

The U. S. Fish and Wildlife Service was consulted regarding the proposed endangered candidate species, Pediocactus winkleri and the candidate species, Gilia tenuis.

This EA has been listed on the Utah State Office electronic bulletin board for more than two months.

A public comment period of 30 days is to be held. The comment period will end on May 5, 1995.

#### Appendixes

- A. Plan of Operations - Western Clay Company
- B. Checklist for Environmental Assessment
- C. Photographs